

ORIGINAL

FILED IN CLERK'S OFFICE
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SEP 14 2005

LUTHER D. DOMAS, Clerk
By: *[Signature]* Deputy Clerk

JACQUELINE YOUNGBLOOD,
Plaintiff,

vs.

D&B FURNISHINGS, DBA LA-Z-BOY
FURNITURE GALLERIES;
FURNITURE GALLERIES OF
ATLANTA; DAVE WALTERS and
MARTIN MACKEAN,
Defendants.

CIVIL ACTION

FILE NO. 1:05-CV-2406

-CC

COMPLAINT

COMES NOW, Jacqueline Youngblood, and files this Complaint against Defendants,
showing as follows

Nature of Complaint

1

This action is brought by Plaintiff, Jacqueline Youngblood ("Plaintiff") against D&B Furnishings, DBA La-Z-Boy Furniture Galleries, Furniture Galleries of Atlanta, Dave Walters and Martin MacKean (collectively referred to as "Defendants") to redress the Defendants' wrongful and tortuous conduct based on Plaintiff's race

Parties

2

Plaintiff, Jacqueline Youngblood, is a black female who at all times relevant hereto was an employee at D&B Furnishings, DBA La-Z-Boy Furniture Galleries and Furniture Galleries of Atlanta

FORM RECEIVED
Consolidated
Pretrial Conference
Title VII Act
[Signature]

3

At all times relevant to this Complaint, Defendants Dave Walters and Martin MacKean (Caucasian Males) were employed by D&B Furnishings, DBA La-Z-Boy Furniture Galleries and Furniture Galleries of Atlanta, and may be served as provided by law

4

D&B Furnishings, DBA La-Z-Boy Furniture Galleries is a Georgia Corporation authorized to do business in Georgia and may be served via its authorized agent for service of process. Finestone Stuart, Suite 2540 Tower Pl 3440 Peachtree Rd . Atlanta, Georgia 30026

5

Furniture Galleries of Atlanta is a Michigan Corporation authorized to do business in Georgia and may be served via its authorized agent for service of process, CT Corporation System, 1201 Peachtree Street, NE, Atlanta, Georgia 30361

Venue

6

A substantial part of the events or omissions giving rise to the claim in this matter occurred in this judicial district in Atlanta, Georgia, one or more defendants are located in this judicial district, and venue is thus proper in the Atlanta Division of the United States District Court for the Northern District of Georgia pursuant to 28 U S C §1391

Jurisdiction

7

Jurisdiction is proper in this Court under 28 U S C §1331, 1343, 1267

8

This Court has jurisdiction over claims brought under state law in that these claims arise under the same nucleus of operative facts which form the basis of the Federal claims and such state claims are thus pendent thereto

Conditions Precedent to Suit

9

Plaintiff timely filed a charge of racial discrimination with the EEOC designated as Charge No 110-2004-03714 and timely filed this Complaint after issuance of a Right To Sue letter from the EEOC

Facts

10

Plaintiff was employed by D&B Furnishings, DBA La-Z-Boy Furniture Galleries as a Sales Designer on or about August 19, 2002 Plaintiff was promoted to Assistant Manager on or about June 2003

11

Defendant, Dave Walters, owner, started D&B Furnishings, DBA La-Z-Boy Furniture Galleries in 1986 and has, since then, worked at the store

12

Defendant, Michael MacKean, started his employment with by D&B Furnishings, DBA La-Z-Boy Furniture Galleries in August 2003 and was hired as a Sales Designer

13

MacKean was promoted to Store Manager in April 2004

14

On or about September 2004, Furniture Galleries of Atlanta purchased D&B Furnishings, DBA La-Z-Boy Furniture Galleries

15

Shortly after MacKean was hired, Plaintiff was subjected to harassment on account of her race and sex by Defendants Walters and MacKean and unjustifiably written up

16

During the course of Plaintiff's employment, Defendant, Walters and MacKean continued to subject Plaintiff to harassment and treated Plaintiff differently and unequally in the terms and conditions of her employment on account of Plaintiff's race and sex

17

Plaintiff was scrutinized in her job performance more closely and treated differently than white employees for minor mistakes

18

MacKean deviated from company policies on a continual basis and was never reprimanded, even though Plaintiff put her superiors on notice of MacKean's violations

19

MacKean, with the support of Walters, consistently took sales from Plaintiff

20

Plaintiff complained to Defendant, Walters that she was being singled out because she is black and female. However, when Walters went to the store to talk with employees about Plaintiff's complaint, he openly shut up Lynn Wood (Caucasian Female), who began to tell Walters of MacKean's mistreatment of Plaintiff

21

Walters supported MacKean's write-ups against Plaintiff. Prior to MacKean's tenure, Walters had never written Plaintiff up or complained about her job performance

22

Shortly after Furniture Galleries of Atlanta purchased D&B Furnishings, DBA La-Z-Boy Furniture Galleries, Walters and MacKean fed the new owners (Furniture Galleries of Atlanta) with information that Plaintiff was damaged goods

23

As a result of Walters and MacKean's actions, Furniture Galleries of Atlanta discharged Plaintiff by eliminating her position

24

The new owners told Plaintiff they were eliminating her position because of the previous write-ups and disciplinary actions she received. by MacKean, even though Plaintiff's track record had been superb

25

Furniture Galleries of Atlanta terminated Plaintiff, despite the fact she continued to lead the store in sales

26

Plaintiff was subjected to harassing and offensive conduct and different unequal treatment, as compared to white employees, such as to create a hostile working environment in violation of the law

27

D&B Furnishings, DBA La-Z-Boy Furniture Galleries and Furniture Galleries of Atlanta were aware of or should have been aware of the hostile and unequal environment existing and created by the company through the conduct of its management and other personnel

Constructive Discharge

28

Defendants' termination of Plaintiff was a constructive discharge

Failure to Promote

29

Plaintiff was a good productive employee of D&B Furnishings, DBA La-Z-Boy Furniture Galleries and Furniture Galleries of Atlanta

30

Plaintiff was denied promotion to manager position on account of her race and sex being qualified for said position

Retaliation

31

Before Plaintiff complained about racial discrimination to her superiors at D&B Furnishings, DBA La-Z-Boy Furniture Galleries, Plaintiff received good and satisfactory evaluations

32

After Plaintiff complained about racial and sexual discrimination, MacKean started to issue Plaintiff write-ups

33

After Plaintiff complained about discrimination to management at D&B Furnishings, DBA La-Z-Boy Furniture Galleries, the terms and conditions of her job changed, she was scrutinized more closely, written up when whites were not written up, and was generally treated worse than before she complained

COUNT I

Title VII and Retaliation

34

Plaintiff re-incorporates the allegations contained in the above paragraphs as if specifically pled herein

35

At all times herein, D&B Furnishings, DBA La-Z-Boy Furniture Galleries and Furniture Galleries of Atlanta was an “employer” as defined in section 701(b) of the Civil Rights Act of 1964, 42 U S C §2000e et Seq , as amended in 1991, 42 U S C §1981A (Title VII)

36

All actions complained of above, and other discriminatory actions not referenced herein, were on account of Plaintiff’s race and in retaliation for Plaintiff’s complaints about racially and sexually discriminatory conduct she encountered and was aware of at D&B Furnishings, DBA La-Z-Boy Furniture Galleries and Furniture Galleries of Atlanta.

37

The actions of Defendants were willful, wanton, intentional and in reckless disregard of Plaintiff’s federally protected rights

38

Plaintiff has been harmed and has suffered as a result of the conduct of the Defendants, and Plaintiff is entitled to damages under the provisions of and in accordance with Title VII including compensatory damages, back pay, front pay, punitive damages and cost of litigation, all to be determined at trial

39

Plaintiff is further entitled to be instated as Assistant Manager, with the normal and usual pay and benefits accorded to white employees who hold and have held that position at D&B Furnishings, DBA La-Z-Boy Furniture Galleries and Furniture Galleries of Atlanta

COUNT II

42 U.S.C. §1981

40

Plaintiff re-incorporates the allegations contained in the above paragraphs as if specifically pled herein

41

Defendants, by their conduct and actions, have violated Plaintiff's Fourteenth Amendment right of equal protection and equal right to contract

42

Defendants, by their conduct and action, have violated Plaintiff's First Amendment right of Association

43

As a result of Defendants' conduct, Plaintiff has suffered humiliation and embarrassment constituting mental anguish and suffering, and Plaintiff is entitled to an award of damages to be determined by a fair and impartial jury

44

As a result of Defendants' conduct, Plaintiff is entitled to punitive damages as allowed under the law

COUNT III

Intentional Infliction of Emotional Distress

45

Plaintiff re-incorporates the allegations contained in the above paragraphs as if specifically pled herein

46.

Defendants' conduct was extreme, outrageous and insulting, so as to naturally cause humiliation, embarrassment and fear on the part of Plaintiff such that Plaintiff is entitled to recover damages for emotional distress caused by Defendants' conduct

COUNT IV

Conspiracy to Interfere With Employment Relations

47

Plaintiff re-incorporates the allegations contained in the above paragraphs as if specifically pled herein

Defendants, Walters and Mackean intentionally conspired to and successfully interfered with Plaintiff's business relations and prospective economic growth by maliciously procuring her termination

PRAYER FOR RELIEF

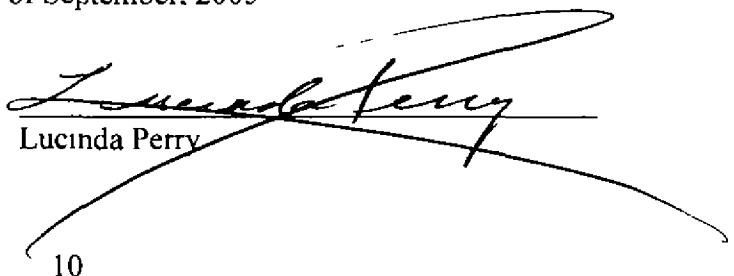
WHEREFORE, Plaintiff prays that this Court allows this case to go forward, that a jury be empanelled, and that Plaintiff recover

- (a) Actual and consequential damages as proven,
- (b) Compensatory damages,
- (c) Equitable relief, including promotion to the Manager position;
- (d) Punitive damages payable to Plaintiff as allowed by law and as decided by a fair and impartial jury so as to punish defendants and to deter future discriminatory and unlawful conduct,
- (e) Prejudgment interest on back pay.
- (f) All relief to which Plaintiff is entitled under Title VII and §1981,
- (g) All relief to which Plaintiff is entitled under state law claims,
- (h) Costs of litigation and attorneys fees,
- (i) All other relief to which Plaintiff is entitled under the law

JURY DEMAND

Plaintiff requests trial by jury of all issues in this action

Respectfully submitted this 14th day of September, 2005


Lucinda Perry

Georgia Bar No. 402509
Attorney for Plaintiff

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Suite B
Douglasville, Georgia 30134
770-920-4744
perrylucinda@yahoo.com

EEOC Form 151 (3/98)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

ORIGINAL

DISMISSAL AND NOTICE OF RIGHTS

To **Jacqueline Youngblood**
5163 Chapel Crossing
Douglasville, GA 30135

From **Equal Employment Opportunity**
Commission
100 Alabama Street, S.W.
Suite 4R30
Atlanta, GA 30303



On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR § 1601.7(a))

EEOC Charge No

EEOC Representative

Telephone No

110-2004-03714**Natasha Sears, Investigator****(404) 562-6862**

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC



Your allegations did not involve a disability as defined by the Americans with Disabilities Act



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes



Your charge was not timely filed with EEOC, in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge



While reasonable efforts were made to locate you, we were not able to do so



You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged



The EEOC issues the following determination Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes This does not certify that the respondent is in compliance with the statutes No finding is made as to any other issues that might be construed as having been raised by this charge



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

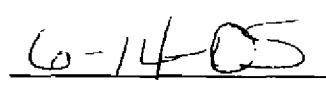
(See the additional information attached to this form)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this Notice**, or your right to sue based on this charge will be lost (The time limit for filing suit based on a state claim may be different)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission


 Bernice Williams-Kimbrough, Director


 (Date Mailed)

Enclosure(s)

cc **La-Z-Boy Furniture Galleries/D&B Furnishings, Inc**